REMARKS

Claims 1 – 20 were pending in this application.

Claims 1 – 20 were rejected.

Claims 1-3, 6, 8, 10-14 and 17-20 are amended.

Claim 7 was cancelled.

I. 35 USC 112 Rejections

The Examiner has objected to the wording of Claims 1, 10, 11, 19 and 20 under 35 USC 112, second paragraph. Claims 1, 10, 11, 19 and 20 have been amended to remove the stated causes of rejection. All pending claims are now believed to stand in proper form under 35 USC 112.

III. 35 USC 103(a) Rejections

The Examiner has rejected Claims 1 –9 and 12-18 under 35 USC 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0107117 to Denny in view of U.S. Patent Application Publication No. 2003/006878 to Chung.

The rejected claims contain two independent claims, which are Claim 1 and Claim 12. Claim 1 and Claim 12 have been amended and are believed to be distinguishable over both the Denny and Chung references as is explained below.

Claim 1

Claim 1 sets forth a method of tracking the execution of a medical prescription by medical service professionals. To achieve this method, a database is provided. In a physician's office, a physician examines a patient and writes a prescription for that patient. The prescription is initially unfilled. Unfilled prescription data that corresponds to the prescription is entered into

the database. The unfilled prescription data contains information regarding a recommended pharmaceutical type and a recommended quantity recommended by the physician in the prescription.

The patient travels to a pharmacy to have the prescription filled. At the pharmacy, the unfilled prescription data is retrieved from the database. Using the retrieved data, the prescription is filled. The filled prescription contains a presented pharmaceutical type in a presented quantity. The actual pharmaceutical presented and its quantity may or may not correspond with the unfilled prescription data for a variety of reasons, such as mistake or fraud.

Data corresponding to how the prescription is actually filled is entered into the database by the pharmacist. The filled prescription data includes information regarding the actual presented pharmaceutical type and its quantity.

The filled prescription data is compared to the unfilled prescription data. If the two data sets do not match , then a warning is generated. The warning indicates that the prescription has been varied in some manner. If the data sets do not match, a warning is generated and is sent to the physician who first wrote the prescription. The physician, upon receipt of the warning, can contact the patient or pharmacist to correct and mistake.

The Denny reference shows a database system for ensuring that a prescription is properly filled. Like the present invention, a physician enters a prescription into a database. Furthermore, like the present invention, a pharmacist recalls the prescription from the database. In this manner, the need for a handwritten prescription is eliminated.

However, the present invention method significantly differs from the Denny reference in how the data from the database is used. As is claimed by Claim 1 of the present application, the pharmacist is required to enter filled prescription data back into the database. The filled prescription data contains information regarding the actual pharmaceutical and the actual amount of the pharmaceutical that was handed the patient. The filled prescription data is actively compared to the data of the initial prescription. If the initial prescription does not match the actual pharmaceutical and amounts given to the patent, then a warning is generated. The warning is communicated back to the physician who wrote the initial prescription.

The Denny reference makes absolutely no disclosure concerning the method step of having a pharmacist enter filled prescription data back into the database. In the Denny reference, it is clearly stated that the initial prescription is read from a database. The initial proscription comes with a "confirmation code". The confirmation code is entered to inform the database that the prescription information was received. (See Denny, paragraph 0038).

The Denny reference makes no disclosure of entering filled prescription data back into the database. Consequently, the Denny reference also makes no disclosure of comparing the filled prescription data with the initial unfilled prescription date. The Denney reference, therefore, fails to make any disclosure concerning producing a warning that is sent back to the physician if the two data sets do not match.

The Denney reference, therefore, clearly fails to disclose the last three method steps of Claim 1, which are

> *"entering filled prescription data into said database, wherein said filled prescription data includes information for said presented pharmaceutical type and said presented quantity;*
>
> *comparing said filled prescription data with said unfilled prescription data; and*
>
> *generating a warning if said filled prescription data does not match said unfilled prescription data, wherein said warning is forwarded to said physician who initial wrote said prescription".*

The Chung reference discloses a method of storing information on a smart RFID tag. The Chung patent makes no disclosure regarding the filling of prescriptions. The Chung reference makes no disclosure of comparing unfilled prescription data with filled prescription data. Accordingly, the Chung reference does not address the deficiencies of the Denny reference as applied to the wording of Claim 1.

In combination, it is clear that neither the Denny reference nor the Chung reference

disclose or suggest the method of Claim 1. Consequently, the combination fails to support a 35 USC 103 rejection. It is therefore requested that the 35 USC 103 rejection as applied to Claim 1 and its dependent claims be withdrawn.
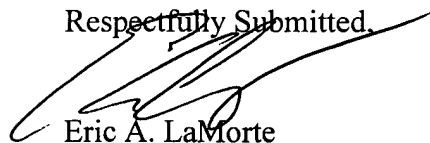
Claim 12

Claim 1 sets forth a method of reducing fraud and mistake in the filling of medical prescriptions. Like Claim 1, Claim 12 includes the step of entering filled prescription data into a database, wherein the filled prescription data identifies a pharmaceutical and volume actually provided by a pharmacist. The filled prescription data is compared to the initial unfilled prescription data. If there is no match between data sets, a warning is produced.

As has been previously explained, the Denny and Chung patents do not disclose or suggest the entry of filled prescription data into a database by a pharmacist. The combination also does not disclose the comparison of the filled prescription data with the unfilled prescription data. Consequently, the combination fails to support a 35 USC 103 rejection. It is therefore requested that the 35 USC 103 rejection as applied to Claim 1 and its dependent claims be withdrawn.

III. SUMMARY

Having fully distinguished the pending claims over the cited art, this application is believed to stand in condition for allowance. However, if the Examiner is of the opinion that such action cannot be taken, the Examiner is requested to call the applicant's attorney at (215) 321-6772 in order that any outstanding issues may be resolved without the necessity of issuing a further Office Action.

Respectfully Submitted,

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